

AMENDMENTS TO LB 510

Introduced by Judiciary.

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. (1) In addition to all other costs assessed  
4 according to law, an assessment of one dollar shall be assessed for  
5 each conviction of a person for any misdemeanor or felony in county  
6 court or district court and each affirmation on appeal. No such  
7 assessment shall be collected in any juvenile court proceeding. No  
8 county shall be liable for the assessment imposed pursuant to this  
9 section. The assessments shall be remitted to the State Treasurer  
10 on forms prescribed by the State Treasurer within ten days after  
11 the end of the month.

12           (2) The State Treasurer shall credit the funds remitted  
13 pursuant to subsection (1) of this section and section 83-184 to  
14 the Department of Correctional Services Facility Cash Fund and the  
15 Supreme Court Automation Cash Fund to pay for the initial costs in  
16 implementing this legislative bill, in amounts to be determined by  
17 the Department of Correctional Services and the Supreme Court and  
18 certified to the State Treasurer. When such costs are fully  
19 reimbursed, the State Treasurer shall distribute seventy-five  
20 percent of such funds to the Victim's Compensation Fund to be  
21 awarded as compensation for losses and expenses allowable under  
22 the Nebraska Crime Victim's Reparations Act and shall distribute  
23 twenty-five percent of such funds to the Reentry Cash Fund.

1           Sec. 2. Section 29-2207, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           29-2207 In every case of conviction of any person for  
4 any felony or misdemeanor, it shall be the duty of the court  
5 or magistrate to render judgment for the costs of prosecution  
6 against the person convicted and remit the assessment as provided  
7 in section 1 of this act.

8           Sec. 3. In every case of appeal of a conviction of any  
9 person for any felony or misdemeanor to the district court, Court  
10 of Appeals, or Supreme Court that is affirmed, the court shall  
11 remit the assessment as provided in section 1 of this act.

12           Sec. 4. Section 81-1835, Revised Statutes Supplement,  
13 2009, is amended to read:

14           81-1835 The Victim's Compensation Fund is created. The  
15 fund shall be used to pay awards or judgments under the Nebraska  
16 Crime Victim's Reparations Act other than distributions from the  
17 Community Trust. The fund shall include deposits pursuant to  
18 sections 29-2286, 81-1836, and 83-183.01, and 83-184 and section 1  
19 of this act and donations or contributions from public or private  
20 sources and shall be in such amount as the Legislature shall  
21 determine to be reasonably sufficient to meet anticipated claims.  
22 When the amount of money in the fund is not sufficient to pay any  
23 awards or judgments under the act, the Director of Administrative  
24 Services shall immediately advise the Legislature and request an  
25 emergency appropriation to satisfy such awards and judgments. Any  
26 money in the fund available for investment shall be invested by the  
27 state investment officer pursuant to the Nebraska Capital Expansion

1 Act and the Nebraska State Funds Investment Act.

2           Sec. 5. Section 83-184, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           83-184 (1) When the conduct, behavior, mental attitude,  
5 and conditions indicate that a person committed to the department  
6 and the general society of the state will be benefited, and there  
7 is reason to believe that the best interests of the people of the  
8 state and the person committed to the department will be served  
9 thereby, in that order, and upon the recommendation of the ~~Board of~~  
10 ~~Parole board~~ in the case of each committed offender, the ~~Director~~  
11 ~~of Correctional Services~~ director may authorize such person, under  
12 prescribed conditions, to:

13           (a) Visit a specifically designated place or places and  
14 return to the same or another facility. An extension of limits  
15 may be granted to permit a visit to a dying relative, attendance  
16 at the funeral of a relative, the obtaining of medical services,  
17 the contacting of prospective employers, or for any other reason  
18 consistent with the public interest; or

19           (b) Work at paid employment or participate in a training  
20 program in the community on a voluntary basis whenever:

21           (i) Such paid employment will not result in the  
22 displacement of employed workers, or be applied in skills, crafts,  
23 or trades in which there is a surplus of available gainful labor in  
24 the locality, or impair existing contracts for services; and

25           (ii) The rates of pay and other conditions of employment  
26 will not be less than those paid or provided for work of similar  
27 nature in the locality in which the work is to be performed.

1           (2) The wages earned by a person authorized to work  
2 at paid employment in the community under the provisions of this  
3 section shall be credited by the chief executive officer of the  
4 facility to such person's wage fund. The director shall authorize  
5 the chief executive officer to withhold up to five percent of such  
6 person's net wages. The funds withheld pursuant to this subsection  
7 shall be remitted to the State Treasurer for credit as provided in  
8 subsection (2) of section 1 of this act.

9           (3) A person authorized to work at paid employment  
10 in the community under the provisions of this section may be  
11 required to pay, and the ~~Director of Correctional Services~~ director  
12 is authorized to collect, such costs incident to the person's  
13 confinement as the ~~Director of Correctional Services~~ director deems  
14 appropriate and reasonable. Collections shall be deposited in the  
15 state treasury as miscellaneous receipts.

16           (4) The willful failure of a person to remain within  
17 the extended limits of his or her confinement or to return within  
18 the time prescribed to a facility designated by the ~~Director of~~  
19 ~~Correctional Services~~ director may be deemed an escape from custody  
20 punishable as provided in section 28-912.

21           (5) No person employed in the community under the  
22 provisions of this section or otherwise released shall, while  
23 working in such employment in the community or going to or from  
24 such employment or during the time of such release, be deemed to be  
25 an agent, employee, or servant of the state.

26           Sec. 6. The Reentry Cash Fund is created. The fund shall  
27 be administered by the Department of Correctional Services. The

1 State Treasurer shall credit funds remitted pursuant to section  
2 83-184 and section 1 of this act and donations or contributions  
3 from public or private sources to the Reentry Cash Fund. The  
4 fund shall be used by the department for tuition, fees, and other  
5 costs associated with reentry and reintegration programs offered to  
6 offenders that are placed in the incarceration work camp. Any money  
7 in the fund available for investment shall be invested by the state  
8 investment officer pursuant to the Nebraska Capital Expansion Act  
9 and the Nebraska State Funds Investment Act.

10           Sec. 7. The Revisor of Statutes shall assign section 3 of  
11 this act to Chapter 29, article 23, and section 6 of this act to  
12 Chapter 83.

13           Sec. 8. Original sections 29-2207 and 83-184, Reissue  
14 Revised Statutes of Nebraska, and section 81-1835, Revised Statutes  
15 Supplement, 2009, are repealed.